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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,317	04/19/2001	W.G. Don Korff		9732

7590 06/03/2002

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EXAMINER
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HOPKINS, ROBERT A

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 06/03/2002

67

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/837,317

Applicant(s)

KORFF, W.G. DON

Examiner

Robert A Hopkins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

Claims 1-16 are objected to because of the following informalities:

Claims 2-16 do not have the first word of the claim capitalized.

Claims 1-7 and 9-16 have a semicolon(;) at the end of the claim limitations.

Examiner notes that claim limitations should end with a period(.) .

Appropriate correction is requested.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is requested:

Claims 9 and 11 recite a bottom surface of a discharge plate (seal ring in claim 11) including a mirror coating, thereby making the captured articles appear as double images for enhanced recognition. There is a lack of antecedent basis for the claimed limitations in the specification.

The disclosure is objected to because of the following informalities: page 21 line 14 recites "tube 30" and page 21 line 16 recites "tube 32". Appropriate correction is requested.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 line 18 and claim 14 line 22 recite "the next element". There is a lack of antecedent basis in previous claim limitations for "the next element". Correction is requested. Claims 2-13 depend on claim 1 and hence are also rejected. Claims 15 and 16 depend on claim 14 and hence are also rejected.

Claim 3 lines 1-3 recites "wherein the region inside said jar that is located between the bottom edge of said intermediate air exit passage and said bottom surface of said jar is of optimal dimensions". The term "optimal dimensions" is a relative term which renders the claim indefinite. The term "optimal dimensions" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Correction is requested.

Claim 14 recites "the next zone incorporates a multiplicity of filtering orifices of another uniform size etc,". Examiner is unclear as to what the scope of the limitation "etc" refers to. Examiner suggests the following limitations to clarify the scope of claim 14 : --each next zone incorporates a multiplicity of filtering orifices of a uniform size

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different than the one uniform size--. Claims 15 and 16 depend on claim 14 and hence are also rejected.

***Allowable Subject Matter***

Claims 1-16 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 1 and 14 recite a combination of a rigid elongated annular air tube including a primary inlet opening, a medial region defining an intermediate air exit passage, internal diverting means cooperating with the intermediate air exit passage in re-directing the air stream, one or more re-entry passages extended away from the intermediate air exit passage, a final outlet opening, a hub mounted rotatably and slidably on the air tube, including positioning means, whereby the hub is continually held in a discrete first longitudinal position with respect to the air tube, while being free to rotate about its center through 360 degrees in either direction, a jar of substantially cylindrical shape, fixedly mounted at its upper extremity to the flange of the hub by means permitting manual removal, and a filter element, substantially cylindrical in shape, mounted fixedly to the hub, surrounding the air tube in close rotatable and slidable contact, the filter element including a multiplicity of filtering orifices of uniform size, and means bringing the filtering orifices into alignment with the air re-entry passages of the air tube when the hub is in the first longitudinal position.

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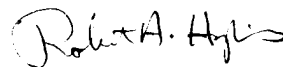
Gilbertson(5375293) and Muller(4833753) disclose a retrieval and collection device for capturing and removing small articles, the device connected upstream from a conventional vacuum system. However Gilbertson and Muller disclose a pair of stationary filter screens within a casing, wherein the screens of different sizes prevent objects of certain size from passing through the screens. Enright(2849080) discloses a retrieval and collection device for capturing and removing small articles, the device connected upstream from a conventional vacuum system. However Enright discloses a baffle system within a casing. Beede(2467652) discloses a retrieval and collection device for capturing and removing small articles, the device connected upstream from a conventional vacuum system. However Beede discloses a curved tube leading to a trap, wherein the trap includes a screen located above a sampling chamber. Therefore, it would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide a retrieval device for capturing and recovering small articles as required by the above stated limitations because none of the references of record suggest such a modification. Claims 2-13 depend on claim 1 and hence would also be allowable upon correction of the 112 second paragraph issues in the current office action. Claims 15 and 16 depend on claim 14 and hence would also be allowable upon correction of the 112 second paragraph issues in the current office action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A Hopkins whose telephone number is 703-308-3913. The examiner can normally be reached on Monday-Friday 9:00am-3:00pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Simmons can be reached on 703-308-1972. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9572 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Robert A Hopkins  
Primary Examiner  
Art Unit 1724

rah  
May 30, 2002